

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP No.9397 of 2007
Date of decision: 3.7.2007

Sher Singh and another

...Petitioners

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr. VK Sandhir, Advocate, for the petitioners.

Mr. Har Simran Singh Sethi, Advocate for Caveators.

JUDGMENT:

This petition challenges order dated 25.5.2007, Annexure P.1 cancelling order of posting of the petitioners to the Municipal Town Planning Wing as Building Inspectors.

Case of the petitioners is that in the Building Department of Municipal Corporation, Amritsar, there are only seven Building Inspectors against twenty vacancies and, therefore, the petitioners were posted against the said vacant posts on 11.4.2007. Respondent Nos. 4 to 9 challenged the posting of the petitioners by filing a writ petition in this Court, which was disposed of vide order dated 23.4.2007 by directing that decision be taken on legal notice of the said respondents. Accordingly, order Annexure P.1 has been passed cancelling order of posting of the petitioners in the Town Planning Wing.

A perusal of order Annexure P.1 shows that the Principal Secretary to the Government of Punjab has taken into account service rules laying down the qualification for Inspectors which the petitioners did not possess. In the report Annexure P.7 submitted by the Commissioner, Municipal Corporation, to the Government, it has been stated that the services of the petitioners became surplus after abolition of octroi in which department, the petitioners were working and there was scarcity of staff in the Town Planning department.

In the writ petition, finding recorded in the impugned order Annexure P.1 that the petitioners were not technically qualified under the rules, has not been disputed.

Contention raised is that the petitioners were not getting any extra monetary benefit by working in the said department and no loss was caused to the private respondents and that the private respondents did not fulfil the qualifications.

The petitioners cannot claim any vested right to be posted on any particular post, particularly in absence of qualification, even if there may be shortage of staff in a particular department. The impugned order cancelling posting of the petitioners in the department of Town Planning cannot be held to be illegal or in violation of any law.

No interference is, thus, called for with the impugned order.

The writ petition is dismissed.

(Adarsh Kumar Goel)
Judge

July 3, 2007
'gs'

(Ajai Lamba)
Judge